

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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MAY SIMMONS,  
Charging Party

HRB CASE NO. 0131016277

-v-

FINAL AGENCY DECISION

MONTANA WOMEN'S PRISON,  
Respondent

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Charging Party, May Simmons (Simmons), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in governmental services on the basis of retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Simmons's allegations that Respondent, Montana Women's Prison, discriminated against Simmons. The Department issued a Notice of Dismissal. Simmons filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 14, 2014. May Simmons appeared via telephone and argued on behalf of herself. McKenzie McCarthy appeared and argued on behalf of Montana Women's Prison.

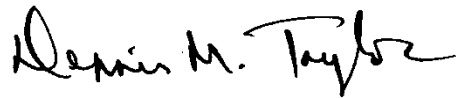
The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that May Simmons's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana Women's Prison.

DATED this 17th day of July, 2014.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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Dennis M. Taylor, Chair  
Human Rights Commission

### CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 17th day of July, 2014.

MAY SIMMONS  
506 9th AVENUE WEST #4  
POLSON, MT 59860

IRA EAKIN  
MONTANA DEPARTMENT OF CORRECTIONS  
P.O. BOX 201301  
HELENA, MT 59620-1301



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Annah Smith, Legal Secretary  
Montana Human Rights Bureau